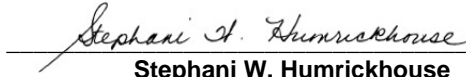




SO ORDERED.

SIGNED this 15 day of August, 2013.

  
Stephani W. Humrickhouse  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

<b>IN RE:</b>	)	<b>CASE NO.: 13-01394-8-SWH</b>
<b>MARK EDWARD DOWDY</b>	)	
	)	
<b>DEBTOR</b>	)	<b>CHAPTER 13</b>

**ORDER AVOIDING JUDICIAL LIEN**

This matter comes before the Court upon Debtor's Motion to Avoid Lien and it appearing to the Court that the Debtor served a copy of the Motion and Notice of Motion on the appropriate parties; and

**IT APPEARING FURTHER** to the Court that the time for those parties to respond has expired with no response having been filed, or if any objections have been filed they have subsequently been withdrawn. From Debtor's motion the Court makes the following findings of fact:

1. That this matter is a core proceeding pursuant to 28 U.S.C. Section 157, and that the Court has jurisdiction pursuant to 28 U.S.C. §§151, 157 and 1334.
2. The Debtor owns the real estate located at 12617 Richmond Run Dr., Raleigh, NC 27614, (hereinafter, the "Property") and more particularly in the Wake County Register of Deeds, Book 10613, Page 2368. The Debtor uses this property as his residence, and he claims an exempt interest in the residence in the amount of \$30,000.00. The description is as follows:

That certain parcel of land situated in Wake County, North Carolina and more particularly described as follows:

BEING all of Lot 7008, Dunleith Subdivision, Phase 1, at Wakefield Plantation, as recorded in Book of Maps 1998, Page 2277, Wake County Registry.

3. The value of the Property is no greater than \$750,000.00
4. The Property is encumbered by the following liens superior to the liens of the Creditors.
  - a. A first lien to Wake County Revenue Collector in the amount of \$11,681.17.  
The amount of the debt will increase with the accrual of interest.
  - b. A debt to Carrington Mortgage Services, Inc. secured by a valid and enforceable deed of trust in the amount of \$630,251.94, approximately, as of March 15, 2013. Interest accrues on the debt on a daily basis.
  - c. A judgment lien on RWF Construction, LLC, that is in the amount of \$653,995.73, is avoidable only to the extent that it impairs the Debtor's exempt interest in the Property.
5. That the Debtor is indebted to the Creditors in the approximate amounts set out below;

<b><u>CREDITOR</u></b>	<b><u>AMOUNT</u></b>
Stock Building Supply	\$1,146,861.25
Carolina Sunrock	\$179,121.99
Ferguson Enterprises, Inc.	\$17,830.32
Stock Building Supply	\$1,257,833.40
Earl Shoaf	\$301,474.76
Waccamaw Bank	\$460,419.71
Wells Fargo Bank	\$5,090,961.22
First Heritage Home Loans	\$328,748.38

6. That as security for this debt to the Creditors, each creditor has a judicial lien against the Property

<u>CREDITOR</u>	<u>CASE NUMBER</u>	<u>DATE</u>
Stock Building Supply	08 CVS 9715	06/30/09
Carolina Sunrock	08 CVS 8715	08/03/09
Ferguson Enterprises, Inc.	08 CVD 010417	08/06/09
Stock Building Supply	09 CVD 4742	12/15/09
Earl Shoaf	09 CVS 3426	04/26/10
Waccamaw Bank	10 CVS 392	12/07/10
Wells Fargo Bank	10 CVS 7441	04/01/11
First Heritage Home Loans	10 CVS 7846	09/26/11

7. That the judicial liens of the Creditors on the Property impairs the Debtor's right to exemption in the real property set out in paragraph 2.
8. The judicial lien of each of the creditors set out above must be avoided in its entirety to prevent the impairment of the Debtor's exempt interest in the Property.
9. An order avoiding the judicial liens of the Creditor as set out in the prayer for relief set out below will properly implement the provision of 11 U.S.C. § 522(f)(1) and (2).
10. This order is only applicable to the Property described in paragraph 2 above and shall not apply to any other real property owned by the Debtor.

**IT IS ORDERED, ADJUDGED AND DECREED** that the judicial lien of each creditor set out in paragraph 6 above is avoided in its entirety only with respect to the Property.

**END OF DOCUMENT**